



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF FILING AND PUBLIC HEARING

D.T.E. 04-111

December 14, 2004

Petition of Bay State Gas Company for Approval of its Gas Sales Agreement with BP Canada Energy Company pursuant to G.L. c. 164, § 94.

Bay State Gas Company ("Bay State") has filed with the Department of Telecommunications and Energy ("Department") a petition for approval of a gas sales agreement with BP Canada Energy Company and related agency and management service agreements with Northeast Gas Markets, L.L.C. The term of this gas sales agreement ends on March 31, 2007. Bay State asserts that the gas sales agreement is intended to replace the volumes currently contracted from EnCana Corporation as approved by the Department in Bay State Gas Company, D.T.E. 02-52 (2002).

The Department will conduct a public hearing to receive comments on Bay State's petition on **Wednesday, January 5, 2005** at 2:00 p.m. at the Department's offices, One South Station, 2nd Floor, Boston, Massachusetts. The public hearing will be immediately followed by a procedural conference. Any person interested in commenting on Bay State's petition may appear at the public hearing or submit written comments to the Department not later than the close of business (5:00 p.m.) on **Tuesday, January 4, 2005**.

Any person interested in participating in the evidentiary phase of this proceeding must file a written petition for leave to intervene in this proceeding no later than the close of business (5:00 p.m.) on **Tuesday, January 4, 2005**. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department – not mailing – constitutes filing and determines whether a petition is timely filed. A late-filed petition may be disallowed as untimely, unless good cause is shown for waiver. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and five (5) copies of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, not later than the close of business (5:00 p.m.) **Tuesday, January 4, 2005**. In addition, one copy of all written comments or petitions to

intervene must be sent to Bay State's counsel, Patricia M. French, Esquire, 300 Friberg Parkway, Westborough, Massachusetts 01581.

All written documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and to Shaela.Collins@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 04-111), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document (e.g., Initial Comments or Petition to Intervene). The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or as an Adobe-compatible PDF file. Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dte>.

A copy of Bay State's filing is available for inspection at the Department's offices, One South Station, Boston, Massachusetts during business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m.). Copies are also available for inspection at Bay State's offices, 300 Friberg Parkway, Westborough, Massachusetts 01581. Any person desiring further information regarding Bay State's filing should contact Patricia M. French, Esquire, at (508) 836-7000. Any person desiring further information regarding this notice should contact Shaela McNulty Collins, Hearing Officer, Department of Telecommunications and Energy, at (617) 305-3500.